

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MELVIN SMITH,

Plaintiff,

vs.

TIFFANY ISLEY, STEFFANIE  
KOTIK, and LORI YARDLEY, Judge;

Defendants.

**8:17CV372**

**MEMORANDUM  
AND ORDER**

Plaintiff has filed a Motion ([Filing No. 9](#)) seeking the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that: Plaintiff’s Motion to Appoint Counsel ([Filing No. 9](#)) is denied without prejudice to reassertion.

Dated this 1st day of November, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge